

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2010 JUN 18 P 4:45

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

MARIA V.F. SUNGA,)
)
Plaintiff)
)
v.)
)
STRAYER EDUCATION, INC.,)
t/a Strayer University,)
)
Defendant.)
)

Civil Action No. 1:10 CV 686
GBL/TRJ

COMPLAINT

Plaintiff Maria V.F. Sunga brings this action against Defendant Strayer Education, Inc.

And for her complaint in this matter states as follows:

1. This Court has jurisdiction over this matter under 29 U.S.C. § 626, 29 U.S.C. § 2617, and 28 U.S.C. § 1331.
2. Defendant is a for-profit corporation that operates Strayer University, an educational institution offering Bachelors, Masters, and Doctorate degrees and having over 100 employees and receives millions of dollars a year in tuition payments.
3. Plaintiff is an individual residing in Alexandria, Virginia, and she was employed by Defendant at its Newington, Virginia location as a student retention coordinator beginning in February, 2006, with her title for that position subsequently being changed to student support coordinator in April, 2008.
4. In the year prior to June, 2008, Plaintiff had worked in excess of 1,250 hours for Defendant.
5. On June 20, 2008, Plaintiff's employment was terminated by Defendant.

COUNT I
Age Discrimination in Employment Act

6. Plaintiff hereby incorporates the allegations of the preceding paragraphs 1 through 5 as if the same were fully set forth herein.

7. Having been born in 1963, Plaintiff was over 40 years old at the time that she started employment with Defendant and thereafter.

8. Plaintiff's supervisor prior to December, 2007, was Virginia Lorenzo.

9. During the period of time that Lorenzo was the supervisor for Plaintiff, Plaintiff received satisfactory performance evaluations.

10. In December, 2007, Lorenzo ceased employment with Defendant, and Amy Tesfaye became Plaintiff's supervisor.

11. In March, 2008, Trish Adia, who was the supervisor of Tesfaye stated to Tesfaye that "this department has to be cleaned up; we need additional younger staff."

12. After Tesfaye became supervisor of Plaintiff, she hired five employees who were all in their 20's.

13. Tesfaye repeatedly referred to Plaintiff as "lola", which means granny or grandma, in front of other employees in the student retention department.

14. Tesfaye also said to Plaintiff on one occasion "[w]hy are you so skinny for someone who is 45?"

15. Tesfaye also asked Plaintiff "[h]ow old are you really? 40. Shut up!"

16. On another occasion, after Tesfaye had finished talking with an employee in the student retention department by the name of Lili, who was 55 years old, Tesfaye stated that “I feel sick of talking with old people.”

17. After Plaintiff was fired, she was replaced by an employee who was less than 40 years of age.

18. The criteria upon which Tesfaye evaluated Plaintiff after Tesfaye became her supervisor were the number of calls that Plaintiff made to students, the number of students with whom Plaintiff was working to get registered for each quarter of the university’s academic year; and the number of registrations of students that she finalized.

19. Defendant terminated Plaintiff’s employment because she was more than 40 years old.

20. In September, 2008, Plaintiff filed a charge of discrimination against Defendant with the Equal Employment Opportunity Commission (“EEOC”).

21. The EEOC subsequently referred the charge to the Fairfax County Human Rights Commission, which in January, 2009 waived its right to process Plaintiff’s case and stated in a letter to Plaintiff that her case would be investigated by the EEOC.

22. The EEOC has yet to complete its investigation of Plaintiff’s charge against Defendant.

COUNT II
29 U.S.C. § 2915(a)(1)

23. Plaintiff hereby incorporates the allegations of the preceding paragraphs 1 through 5 as if the same were fully set forth herein.

24. The allegations of this count and the following count are in the alternative to the allegations of the preceding count.

25. On the afternoon of June 20, 2008, Plaintiff submitted to Amy Tesfaye (her supervisor) a request for leave so that she could care for her mother, Sylvia Fernandez, who was 72 years old and suffering from high blood pressure, asthma, and arthritis.

26. Plaintiff's mother required the care of a physician for her medical condition, and at the time of Plaintiff's application for leave, Plaintiff's mother was being treated by a physician every other week.

27. The physician treating Plaintiff's mother had stated that Plaintiff's mother could not be left alone in her condition, and Plaintiff sought to provide care to her.

28. The Human Resources Department at Strayer was prepared to approve the leave for which Plaintiff had applied on the afternoon of June 20 once the family and medical leave request form had been signed by Tesfaye.

29. Since Plaintiff was fired on the afternoon of June 20, 2008 (after submitting her request for leave to Tesfaye), she was denied the benefit to which she was entitled by statute.

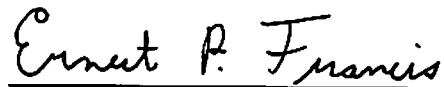
COUNT III
29 U.S.C. § 2915(a)(3)

30. Plaintiff hereby incorporates the allegations of the preceding paragraphs 1 through 5 and 23 through 29 as if the same were fully set forth herein.

31. Defendant fired Plaintiff for the purpose of preventing her from exercising her right to leave for the care of her mother and in retaliation for seeking to exercise the right to obtain leave for that purpose.

WHEREFORE, Plaintiff prays for damages in the amount of \$200,000.00 (two hundred thousand dollars), including actual and statutory damages, plus her reasonable attorney's fees incurred in this action, together with pre-judgment interest and the costs of this action.

MARIA V.F. SUNGA
By Counsel

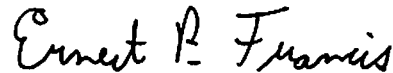


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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues herein.



Ernest P. Francis